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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/749,766 11/20/96 METCALF

R 21285.0103

EXAMINER

LMC1/1025

HARVEY, M

ART UNIT

PAPER NUMBER

2747

DATE MAILED:

10/25/99

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/749,766**

Applicant(s)

**METCALF**

Examiner  
**Minsun Oh Harvey**

Group Art Unit  
**2747**



☒ Responsive to communication(s) filed on Jun 10, 1999.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1, 2, 4-10, 12-15, 17-19, and 21-34 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, 4-10, 12-15, 17-19, and 21-34 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 to 2, 4 to 10, 12 to 15, 17 to 19 and 21 to 34 are rejected under 35

U.S.C. 103(a) as being unpatentable over Murry in view of Paroutaud.

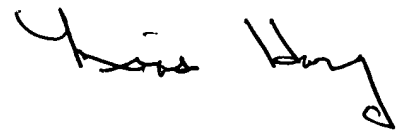
Murry discloses a sound system for capturing and reproducing sound produced by a plurality of sound sources, comprising: means for separately receiving sound produced by sound sources (56 to 59); means for converting the separately received sounds to a plurality of separate audio signals without mixing the audio signals (outputs from 56 to 59); means for separately storing the plurality of separate audio signals without mixing the audio signals (55); means for separately retrieving the stored audio signals (channels 1 to 4); a separate loudspeaker means for reproducing the separate audio signals (60 to 63). Murry does not disclose that the receiving sound are produced by the plurality of sound sources, an amplification network comprising a plurality of amplifier means, with separate amplifier means for separately amplifying each of the separate audio signals, and a dynamic control means for individually controlling the relative amplitude of the separate audio signals for a given power level based on predetermined criteria.

Paroutaud discloses a sound system which is comprised of means for separately receiving sound produced by the plurality of sound sources (111 and 114), an amplification network comprising a plurality of amplifier means, with separate amplifier means for separately amplifying

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each of the separate audio signals (115 and col. 6, lines 20 to 24), and a dynamic controller for individually controlling the relative amplitude of the separate audio signals for a given power level based on predetermined criteria (117). Since Paroutaud has disclosed a sound system which receives sounds produced by a plurality of sound sources, an amplification network which separately amplified each of a separate audio signals and a dynamic control for individually controlling the relative amplitude of the separate audio signals, it would have been obvious to combine Paroutaud's teaching with Murray because in a reproduction of music, each microphones could detect the sound of each instrument in the musical instrument and record each instrument onto a separate channel. Also, volume of each signal could be controlled and amplified separately to drive each instrument transducers.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minsun Oh Harvey whose telephone number is (703) 308-6741.



**MINSUN OH HARVEY  
PRIMARY EXAMINER**

October 18, 1999